



**MINUTES
FREMONT PLANNING COMMISSION
REGULAR MEETING OF JULY 1, 2014**

CALL TO ORDER: Chairperson Pentaleri called the meeting to order at 7:00 p.m.

PRESENT: Chairperson Pentaleri, Commissioners Bonaccorsi, Jones, Karipineni, Leung, Reed (Arrived 7:35)

ABSENT: Dorsey

STAFF PRESENT: Kristie Wheeler, Planning Manager
Jeff Schwob, Community Development Director
Debra Margolis, Assistant City Attorney
Nancy Hutar, Project Planner
Grant Gruber, FirstCarbon Solutions Consultant
Matt Haynes, Fehr & Peers Traffic Consultant
Noah Friedman, Perkins and Will Consultant
Alice Malotte, Recording Clerk
Chavez Company, Remote Stenocaptioning
Napoleon Batalao, Video Technician

APPROVAL OF MINUTES: None

DISCLOSURES: **Commissioner Karipineni** spoke with School Board Members and School District Superintendent
Commissioner Leung spoke with business owners inside plan area and general community residents
Commissioner Bonaccorsi met with Area 4 property owners' representatives
Chairperson Pentaleri held conversations with Irvington Neighborhood Network members in the past

CONSENT CALENDAR None

PUBLIC/ORAL COMMUNICATIONS - None

PUBLIC HEARING ITEMS

- Item 1. **WARM SPRINGS/SOUTH FREMONT COMMUNITY PLAN - (PLN2014-00187)** - To consider City-initiated General Plan and Zoning Ordinance Amendments (maps and text), and the Warm Springs/South Fremont Community Plan, which

would establish a land use plan and accompanying zoning, development and design regulations for approximately 879 acres generally bounded by Interstate (I) 880, I-680, Auto Mall Parkway and Mission Boulevard, and to consider certification of the Warm Springs/South Fremont Community Plan Final Environmental Impact Report (State Clearinghouse No. 2013032062).

Planning Manager Wheeler explained that she and staff would speak to the history and background of the Community Plan effort, which spanned several years; a summary of the documents and actions that were before the Commission; and identification of key issues that had been raised during the public review process and the City's response to those issues.

Community Development Director Schwob pointed out the Warm Springs/South Fremont area on the site map, which included the Tesla factory, the new BART station and the three major areas where residential development could be incorporated. They were: the Valley Oak Village; Warm Springs Village (east of BART); and Innovation Village, the area that Lennar Homes planned to purchase from Union Pacific (UP) Railroad. In 2010, the NUMMI Plant closed and thousands of jobs were lost. Due to quick actions by City leaders, the City received a Federal grant to study land use alternatives to stimulate the economy and to bring jobs back. Subsequently, City Council decided to bring in the Urban Land Institute (an advisory panel of experts from across the country) to give ideas and feedback on the direction for the Warm Springs plan. Last year the Warm Springs Community Plan process began and was funded by a Metropolitan Transportation Commission (MTC) Station Area Planning Grant and that draft document was now before the Commission, along with some additional recommended changes. Numerous community, stakeholder, developer and property owner meetings had been held.

Perkins and Will had prepared the Community Plan, along with sub-consultants FirstCarbon Solutions and Fehr & Peers, who were the traffic consultants. This Plan seeks to transform this area into a new, vibrant center. It would be a new Innovation District anchored by jobs that would bring revenues into the City, create great public spaces, have the services needed by the businesses and residents. It would also have a key educational component generated by the future elementary school in this area, along with additional facilities at the junior high and senior high school levels.

This Plan was part of the City's tradition of moving advanced manufacturing workforce forward and was flexible with its interpretation of land use. The Community Plan had the following basic components:

- **Division and Principles**

The Plan has eight Principles to help guide development: 1) The Innovation Hub, 2) Focused Intensity around BART station, 3) Diversity of uses that would support the jobs-based center, 4) Well-loved public places - create vibrant area anchored by great public spaces, 5) Health and Recreation – urban park would go with the school and open spaces, 6) Ease of movement – connecting the open

spaces promoting pedestrians and bicycles, 7) Visually interesting – buildings and open space areas, 8) Ecological Health – doing all this in as ecological, healthful and sustainable way possible.

Recommended staff changes were: Per Council's request, text added to introductory statement that summarized the existing building conditions and what was anticipated in 5, 10 years and at the build-out.

- **Land Use**

Goal is to provide extreme flexibility for development, over time, to maintain a diversity of uses. To ensure opportunity for innovation, high quality working environments to get jobs into the area and to get the needed supporting services and housing. There would be ten planning areas.

Recommended staff changes were: Clarify standards and factors used to evaluate projects; clarify minimum site area requirements for certain uses; propose higher parking maximums than common in Transit Oriented Districts (TODs), and lower the parking rates once the area had the “there there” presence.

Mr. Schwob pointed out Areas 4 and 5 west of the BART station. Area 4 had been enlarged to include all of the UP Railroad holdings that were proposed to transfer to Lennar. Area 5 was repositioned as the Lopes Triangle and named after property owner Mr. Lopes and Lopes Court. The positions of the future park and future school had been changed to allow the park to be located to the north to balance the land uses in the area.

- **Public Realm and Transportation**

The goal was to development standards to create active transportation networks for not just vehicles, but for walking, biking, shuttles and other modes of transportation, which would create connections to other parts of the City and to the BART station. An interconnection of open spaces was envisioned and was conceptionally shown, except the urban park next to the elementary school. A public art component was modeled after to the Downtown Art Program.

Recommended staff revisions included: Clarifications in street typology – Innovations Way would not have a center median to allow for a more intimate street that could be crossed easier. Some roadways would be narrowed. Minor text variations would allow how a street would be configured. Developers would be allowed to use the City's existing street standards with approval of the City Engineer.

- **Site and Building Design**

Numerous guidelines and standards for setbacks, building designs, building to the street (street walls), ground floor activation, building height, bulk and massing, as well as, building performance.

Recommended staff revisions were: Variations in how to deal with ground floor areas; and differentiating areas that might be more residential than those that might be more nonresidential in nature. Parking standards would be more liberal than the standard in the early years of the plan. A zoning footnote would allow up to two spaces per unit, even within the quarter-mile area, until December, 2019, to stimulate development in the early years. After 2019, the design would allow the excess parking to be available for others to use. Outside the quarter mile, two spaces would be allowed per unit.

Builders had told staff that financing to build was difficult to obtain, so in the City of San Jose, they had been forced to provide additional parking to get financing. Once the project was built, particularly in rental projects, in subsequent phases that parking was leased to the next project coming online so they could get financing.

- **Implementation**

Project Manager Hutar explained the General Plan changes. The Community Plan would implement many goals and policies of the General Plan, which was documented in the staff report, pages 8–14 and documented in the Appendix to the Community Plan. She had proposed a General Plan Land Use Map Amendment, as well as text amendments and Zoning Map and text amendments. The revision would incorporate a new land use designation, Innovation Center, in the staff report as Exhibit E. The General Plan text would be revised to add a description of the Innovation Center Designation, along with a general cleanup of the Land Use Element and adding a discussion of the Innovation Center within the Economic Element and general cleanup to the text in the Community Plans Element.

Director Schwob continued with describing the zoning layer that would implement the General Plan layer, (Exhibit G of the staff report). The planning areas shown in the Community Plan had been generally followed. Each of them had a Warm Springs Innovation (WSI) designation followed by the planning area number. Area 4 had a sub-area Area WSI-4A, which would be the first full block from Lopes Court along Innovation Way westerly to about where the north-south street would connect in, which would be the core area block with active ground floor uses and a strong employment base.

The other designation was the railroad corridor and the railroad yard, itself. Exhibit H was the new zoning district text, a brand new chapter within the Fremont Municipal Code and it would be divided into categories. The unique components of this zoning district were the Master Plan process, which was to ensure that all of the goals of the Plan were achieved and a full understanding of how each of the areas would integrate with its surroundings. Building and Site Standards were taken out of the Plan and conveyed into the Zoning text, such as parking for electric vehicles, electric charging stations, car sharing came forward from the Code.

An additional change to the zoning was made to clarify how the density standards would be applied to this area, which was almost a direct copy from the Multi-Family Zoning, concerning how the right number of units could be constructed.

The Art Program was almost identical from the Downtown program.

Planning Manager Wheeler stated that as required by the California Environmental Quality Act (CEQA), the City, with the assistance of FirstCarbon Solutions, had prepared a Draft Environmental Impact Report (EIR) for the proposed Community Plan and it was circulated for the state-mandated 45-day public review period in January. Following the close of the public comment period, the Final EIR was prepared and it addressed the comments received by the City on the Draft EIR. The Final EIR was comprised of the Draft EIR, Draft EIR Appendices, Responses to the Written Comments, as well as the Mitigation Monitoring and Reporting Program. All of these documents were then made available to the public in mid-June and were an attachment to the staff report.

The EIR analyzed a full range of environmental topics to determine if the proposed project would result in any significant impacts on the environment. The majority of the Potentially Significant Impacts identified in the Draft EIR could be mitigated to a Less Than Significant Level with the exception of Transportation Impacts. Impacts at several intersections would be Significant and Unavoidable. Four intersections would be operating at an unacceptable Level of Service (LOS). For cumulative traffic in year 2035, 14 intersections would operate at an unacceptable LOS. Although mitigation measures were identified for these intersections, the impacts would not be reduced to Less Than Significant Levels. When there is Significant and Unavoidable Impacts, CEQA required that the decision making body balance the benefits of a proposed project with the potential environmental risks when determining whether to approve the project. Thus, the City Council, when approving the Community Plan, would have to adopt a Statement of Overriding Considerations. Staff believed this could be achieved for three important reasons:

- Many of the intersections studied had also been studied in the General Plan Update EIR and would operate at the same LOS with or without the Community Plan. The majority of the intersection impacts would be the result of cumulative projects and other regional projects. However, since the Community Plan would add more traffic to the intersections, the impact was considered Significant.
- Some of the intersections were not under the City's control and the City did not have the ability to guarantee that the improvements identified in the Mitigation Measures in the Draft EIR would actually be implemented by a third party.
- For intersections under City control, the City Council would fund the intersection improvements called for in the Mitigation Measures through the City's Capital Improvement Program. The City Council is charged with revising and reprioritizing those improvements, so there would be no guarantee in terms of timing when the intersection improvements would occur. Thus, the impact is Significant and Unavoidable.

Project Planner Hutar addressed the four recurring public concerns, as follows:

- **School Impacts**

The Community was heard loud and clear that new residents' children in the Community Plan Area should not further impact the existing public schools. In June, 2013, the City of Fremont, the Unified School District and the large property owners in the Plan Area, including BART and Union Pacific Railroad, signed a cooperation agreement to address the potential impacts to the existing public schools. This agreement formalized their intent to cooperate and to fully explore providing options to address the schools' impact. This group had been meeting monthly and the City now had a signed letter of intent that the residential developers would pay to build an elementary school within the Plan area for those children of elementary school age. The Unified School District had no plans to alter the School District attendance boundaries. The Unified School District had also identified that Walters Junior High School and Kennedy High School had the physical capacity to accommodate expanded facilities, which would serve the students from the Community Plan Area in those age categories.

- **Allowing Housing in the Community Plans - Some of the Other Areas**

The Community Plan showed a minimum 2,700 housing units and the Draft EIR providing "clearance" for up to 4,000 multi-family units. Currently, residential units would be allowed in three of these Planning Areas, 3, 4 and 9. Property owners in other planning areas had expressed the opinion that the City should allow residential uses in other area of the Community Plan. Staff had emphasized to these property owners that the intent of the Community Plan was not to provide housing but to provide jobs through employment at local businesses. It was not to replace the jobs lost by NUMMI, but also to add jobs to the City. Planning Areas 3, 4 and 9 had enough land to support the target of 4,000 units, as outlined in the grant studies. In addition, Areas 3, 4 and 9 had sections of their properties that were within a quarter mile from the BART station and other parts of their properties were within a half mile from the BART station. These areas were also the largest vacant parcels within the Community Plan Area, which allowed for large, cohesive residential developments, rather than smaller piece-meal, scattered residential developments in other areas. These residential developments would allow the rest of the Community Plan Area to accommodate the businesses and the jobs.

Placing housing within an Industrial Area would be challenging, as many of the industrial uses had some level of hazardous material and hazardous waste generation, so the new residential units would need to have design features that would help mitigate against potential hazards, spills and explosions. On the other hand, the existing industrial users might not be able to expand, depending on their proximity to the new residential uses.

- **Affordable Housing Requirement for the Plan Area**

Some in the community felt: 1) That more than 15 percent, at least 20 percent, affordable housing should be required in the Community Plan Area; 2) The City should require deeply affordable housing; 3) The area should accommodate a

range of family-type housing and incomes; and 4) The Community Plan should discuss the City's Affordable Housing Goals shown in the Housing Element. All residential developers in the City were required to comply with the City's Affordable Housing Ordinance, which required residential developments to either provide affordable housing units within the development or to pay an in-lieu fee, which would go towards the construction of those affordable units. The City's current Housing Ordinance required for sale projects to provide at least 15 percent of the units at affordable prices. However, the Ordinance states that starting in January 2015, 20 percent could be provided if the City Council found, in the nexus study, that a need existed for up to 20 percent affordable units. The City was now undergoing the nexus study and it would come back to the Commission and the Council later in the year.

- **Job Training in the Area**

Many members of the community believed that a job training center should be located in this planned area or some way should be found to make certain that Fremont residents get jobs in these area businesses, as well as paid internships. The Tri-Cities One Stop Career Center was located on Liberty Street, a short walk from the downtown BART station. The Center was part of East Bay Works, a regional partnership to coordinate job opportunities in Alameda and Contra Costa Counties and it is funded by the U.S. Department of Labor and the State of California. Currently, East Bay Works did not have plans to open a new center in Warm Springs. The jobs training center at the United Automobile Workers Hall, in the Plan area on Fremont Boulevard, had been terminated due to a redirection of Federal funds. A jobs training center would be an allowable use.

Commissioner Reed apologized for his tardiness. He had left San Francisco at 5:00 p.m. where he had been the keynote speaker for the Thirty-Second Annual Neurotrauma National Convention. He had taken some wrong turns in San Francisco, which caused him to be late. It was a wonderful event with over 3,000 of the top neuroscientists in attendance.

The Commissioners made comments and asked the following questions:

- **Commissioner Bonaccorsi** noted that the Staff Report had summarized the various policies under the Community Plan that would be fulfilled. On page 10 one of the policies being fulfilled under Land Use was Policy 2-1.11 Infill Emphasis. This was a 879-acre site; it had not been skipped over, but had been utilized for different purposes. How did that fit within the policy of an Infill Emphasis?

***Director Schwob** stated that this policy could read to mean small infill sites or larger infill sites. Staff considered this site as being one of the City's strategically urban areas for infill development, although, it would not be the traditional small infill, as seen in the past.*

- Exhibit F, Proposed General Plan Text Amendments, page 2-225, said that the State Board of Education would have to approve the future school. He believed

that it was the California Department of Education that would do site analysis and site constraint and it should be corrected in the General Plan.

- **Commissioner Leung** asked how flexible or how ridged was the mix for industrial and residential in the 10 Areas of the Community Plan.

Director Schwob replied that the Plan was made up of broad planning areas with the zoning ordinance addressing uses it in a more specific way. Some zones would allow residential and some would not. Within those areas, a sense of community would be created by being organized around the school or parks and integrate them well with the proposed employment uses. The Master Planning process would be the key next step to refine that level of detail. Right now, it was very, very flexible. As the Master Plans were approved, they would be refined, similar to how planned districts were created, except it would not be a zoning action, it would be a permit.

- **Commissioner Karipineni** asked how the assumptions regarding the percentage of people who would be using bicycles versus walking, versus driving a car or taking BART had been decided. She recalled seeing a table somewhere in the EIR that estimated that four percent of all trips would be via BART, along with a small percentage of people using bicycle and walking, which was a surprise. She had expected at least 10 percent for each kind of trip. She asked about the assumptions that went into those numbers and what other Transit Oriented Districts looked like and how this compared to them.

Consultant Haynes, Fehr and Peers, directed attention towards Table 3.11-8 Trip Generation by Land Use, page 3.11-33, in the EIR. In a general sense, the total BART reductions would be about 10 percent of daily trips and slightly higher during peak commute.

- **Vice Chairperson Jones** asked about the note regarding 25 percent local hires and no City ordinance required that. How did that work?

Project Planner Hutar stated that the City did not have the authority to make that requirement due to constitutional issues. The businesses could volunteer to do so.

- The target level seemed to be low.
That comment had been received from the public.

Chairperson Pentaleri opened the Public Hearing.

Sean Morley, Toll Brothers, Inc., stated that he was speaking for the Warm Springs Station Group, the property owners for Area 9, who had engaged Toll Brothers to build the property for residential that would be consistent with the Plan. They were thrilled with the Community Plan. The property group had owned the property for about ten years and had been working with staff to facilitate development on this key site, which was directly across from the BART station, the front door, so to speak. It was the ideal site for high density housing. They planned to come forward with a Master Plan in the very near future. It would be a difficult area in which to make an initial investment. This site had been identified in the ULI study as the lynch pin to create the “there there” and Toll Brothers would invest about 200 million dollars, just during the initial phase, to jump start the project. He thanked staff for the parking,

which would facilitate the construction of the planned 1,000 units and would be very consistent with the Plan by meeting all its requirements and vision for what the City wished to see. They were very pleased to be making a meaningful contribution to keeping Fremont schools strong.

Gurdarshan Grewal, Learn and Play Montessori School, stated that four schools with about 600 students were already located in Fremont and they were looking for a location in the Warm Springs Area, since they had been told no other suitable locations were available in the City. Consequently, schools had been built in Pleasanton, Milpitas and other locations. He asked for help in finding a site for building another school in this new area.

Charlotte Allen, Sierra Club, stated that she was part of the Southern Alameda County Group Executive Committee and she was also the Co-Chair of the Bay Chapter Water Committee. Alameda County Water District (ACWD) had declared a drought emergency, so the State was delivering zero percent of allocations and the ACWD usually received 40 percent of its water from the State Water Project. The groundwater recharge system was currently impaired, which meant the water supply was at a 50 percent deficit, at least. They expected five percent to be added to the current water consumption within the next few years. These massive new developments must not add to current water demands. They must consume as little water and possible and must finance conservation measures in existing water systems that would save enough to cover the increase in demand. The design phase was the perfect time to conserve water, such as, requiring gray water systems for flushing and irrigation, which was relatively inexpensive when designed in from the beginning, but very expensive to retrofit. New development should be required to provide dual-flush toilets and low-flow fixtures. Large commercial buildings should do onsite treatment for grey and black water. Since the General Plan had a goal of enhancing biological resources, this was a good opportunity to enhance them, which was to enhance the riparian corridors. She encouraged denying the EIR until the water usage was addressed and new development was required to be water neutral.

John Rennels, BART Principal Property Development Officer, stated that he had been Project Manager for numerous award winning transit oriented development projects for the past 22 years. He complemented staff and the consultants for their outstanding job and taking advantage of the proximity to BART and Silicon Valley, along with securing grants from the Federal Government, MTC and bringing in the Urban Land Institute. He had never seen a community that had been so creative and so proactive in creating a model for a major area adjacent to transit.

Commissioner Bonaccorsi asked if he had read the Union Pacific comments concerning the BART bridge. He and the speaker carried on a dialogue, as follows:

Mr. Rennels said that was an element that they continued to collaborate on with the City. It was not appropriate to be specific at this time.

- **Commissioner Bonaccorsi** continued by explaining that a public comment had been made by Union Pacific that said they had the right to approve the bridge, the bridge was needed and no on-grade access to the Warm Springs BART Station would be allowed. They were dictating to the City and BART as to what could and could not be done with the bridge. What was his understanding as to UP's authority to be able to dictate to BART and Fremont that on-grade access was not available.

Mr. Rennels answered that the authority that the Federal Government had given all interstate railroad carriers was vast. However he concurred with UP; it was not the site for an at-grade pedestrian crossing given the speed at which the trains would be going through that area.

- He was glad to hear Mr. Rennels' comments, because it seemed that UP was flexing their muscles and had not given their reason, which made sense.
He complemented UP, because if they had not originally listened to the delegation from the City of Fremont concerning collaboration, what was being considered today would have been "just a pipe dream."
- The tone of the letter was such that he wanted to hear some comment. BART indicated that it would not be able to accommodate full ridership from the Warm Springs BART Station at the opening, because new BART trains would not come in until 2017. Why? Was this financial constraint? A planning constraint?
The extension to Santa Clara County would not open until 2018, so a lot of logistics was involved when securing additional rail cars. He believed that wherever BART riders in Warm Springs needed to go, they would be able to go there efficiently and effectively, even if not all of the new cars were available at that time.

John Dutra, Dutra Enterprises, stated that his firm had been chosen to help to broker the transaction with UP. Many meetings had occurred during the last few years with the school and other City entities and with builders, developers and owners in the area and with staff. "**Commissioner Leung** actually hit the nail on the head with her comment and question about flexibility with regard to making this all work." This development would be key to the City of Fremont for many, many years to come and it would not have come about without the flexibility and the hard work by staff. He asked that the Commission and the Council remain flexible with regard to how this site was developed.

Commissioner Bonaccorsi stated, for the benefit of the public, that the future school would be sited on UP property. Obviously, it was important that the City supported the development of this project by Lennar and the other developers, so, with respect to Lennar, the site could be close. If, for some reason, it did not happen, UP could do what they wished with the property.

Mr. Dutra added that if Union Pacific did not sell the property (to a residential developer) "You will have a beautiful railroad yard." This would be a \$40 million benefit for the building of this new school, which would be a great contribution to the City.

Susana Penado, Congregations Organizing for Renewal (COR), pointed out that the Draft EIR had failed to make a link between traffic and affordable housing. While Fremont was job rich, the vast majority of its residents commuted to outside the city limits for work while two-thirds of the jobs in Fremont were filled with workers commuting in. She asked for:

- Development of at least 4,000 housing units with densities of 50 to 120 units per acre within one-half mile from Warm Springs BART.
- Balance the City's overproduction of high-income housing in recent years with the construction of more affordable for sale or rental housing, especially units for low to extremely low income residents.
- Develop a dedicated source of funding for affordable housing; more emphasis on job creation for all residents; a job training center to help support local hiring for new and existing jobs.
- A local hire ordinance to ensure that jobs were for Fremont residents.
- A park to preserve green space. The EIR had stated that open space was incompatible with the land use laid out in the Community Plan. That was unacceptable!

Chairperson Pentaleri called a recess for the stenographer at 8:09 p.m.

Chairperson Pentaleri called the meeting back to order at 8:19 p.m.

Andre Wiley, Union City resident, stated that he was a high school teacher in the City, but he and his wife could not afford the housing, so lived in Union City. He had considered living in Tracy or Stockton and commuting to his job because of the cost of housing, which had caused him to become interested in the Warm Springs Plan as it related to affordable housing. He told the story that one of his students' parents had moved to Antioch and drove her daughter to school in Fremont every day. He encouraged the consideration of affordable housing to be included in the Plan for families like his.

Cassandra Alvarez, COR, explained that COR was comprised of faith communities in Fremont and other parts of southern Alameda County that represented thousands of community residents from diverse backgrounds. They had co-authored the comments submitted by Urban Habitat and they fundamentally disagreed with the response titled, "Response to Urban 3A." A paragraph in this section made the claim that "affordable housing has no bearing on traffic impacts and that it is not necessary, nor appropriate, to recognize affordable housing in relationship to traffic." Data showed that affordable housing reduced reliance on cars. Lower income residents drove about 30 percent fewer miles when living within one-half mile of public transit and less than those living in non-TOD areas. Within one-quarter mile, HCD residents drove nearly 50 percent less. Without a high number of affordable housing, streets and freeways would turn into parking lots. The creation of 20,000 jobs would cause a significant number of workers to drive into Warm Springs, in large part due to the

lack of affordable, accessible housing in the City. Greenhouse gas emissions were also positively affected by nearby transit possibilities.

Commissioner Bonaccorsi stated that one of the proposed traffic mitigation measures was high occupancy toll lanes, which could segregate the workers, because some workers could afford to use a high occupancy toll lane. Was that seen as an issue and a concern of the job/housing balance?

Ms. Alvarez agreed that it could be an issue for workers coming into the City.

Chairperson Pentaleri was very interested in COR's comments in the EIR. Was her and a former COR speaker's point that they would like to see at least 20 percent of the units be affordable in this Warm Springs Development Area? This area surrounding the Warm Springs BART Station was just one of four Priority Development Areas (PDAs) within the City of Fremont. Was she advocating that a special allocation should be made for Warm Springs, as opposed to other PDAs?

Ms. Alvarez agreed that at least 20 percent of new units should be affordable and ideally, it should be throughout Fremont. However, this specific development presented so much opportunity for an increase in affordable housing that they were focusing their comments here.

Miriam Keller, COR, stated that she was reiterating that 20 percent, at least, affordable housing was needed, especially housing for low and very low income people in this area. She asked that the City think of the mindset of an average community member in Fremont, not the mindset of a landowner, developer, builder, etc. What could be done for the most number of people in Fremont? Her additional suggestions were:

- More affordable housing.
- Some sort of job training and placement center.
- The developers could give back to the community in other ways than the school.
- Some kind of local hire policy.
- Commercial Linkage Fees would also be a good idea at this time.

Commissioner Bonaccorsi knew that the speaker also was a member of the League of Women Voters. He asked if she knew of other jurisdictions in the Bay Area that had a model of the kind of encouragement for local hiring that she would like to see in Fremont?

Ms. Keller had no suggestions at this time, but she suggested that COR could send more information to him in an email.

Commissioner Bonaccorsi stated that he would appreciate her offer, as he would like to know more about how it had worked in Livermore and Pleasanton and what had been the experience by commercial developers in those areas. It had been

suggested during last Thursday's Planning Commission meeting that those fees could bring in more money for affordable housing than the former redevelopment had.

Chairperson Pentaleri asked if she was asking for some special provision in Warm Springs or was she interested in policies throughout the City of Fremont.

Ms. Keller would like to see this policy throughout, but Warm Springs presented an opportunity to talk about it being in Warm Springs.

Jim Morris, Fremont Unified School District Superintendent, stated that City staff was probably "sick and tired of hearing from him," because the School District said, "No" to every proposed development. His message tonight was different. This was an exciting, awesome plan for the community. This was responsible development and the developers had agreed to meet with the community who felt that School District issues needed to be addressed. The developers had stepped up and had agreed to fully mitigate the impact of the housing in this new development. It would not have happened without the collaboration of City staff working with everyone involved. Some issues remained that everyone would have to continue to work together on, such as the four-acre site that would take a formal agreement between the City and the School District to make sure that the park land would be available for the school. He urged that no more than 4,000 units would be built, because the size of the school would be based on that assumption.

Commissioner Leung asked his opinion concerning the opinion expressed by a previous speaker about preschool opportunities within the City and Warm Springs in particular.

Superintendent Morris replied that everyone agreed that it was important for the community to provide early education options for young children. A Transitional Kindergarten space was available in all the City schools and would be in this new school. It brought younger students into the schools. When the funds were available, the District continued to expand and offer additional State preschool programs. Were there enough? Absolutely not. The earlier children started attending school, the better off they were, which prevented the achievement gap.

Tony Samara, Urban Habitat Senior Program Director for Land Use and Housing, stated that his organization was a regional equity organization focused on transportation and housing. He, also, commended the City on its commitment to denser, mixed use, mixed income development and redevelopment that was linked to public transportation. The discussion at last week's Commission meeting around the affordable housing crisis was very important, which was not only focused on the City of Fremont but around the region. The EIR made it clear that significant and unavoidable impacts would occur with regard to traffic as a result of this development, which was of concern, because Transit Oriented Development was meant to lessen traffic and congestion. In February, Urban Habitat, COR and East Bay Housing Organizations submitted a letter requesting that a revised EIR consider a

mitigation of transportation impacts by addressing the jobs/housing balance. This meant developing affordable workforce housing for employees at all income levels as part of an environmental mitigation. The response was that no connection existed between affordable housing and traffic. A study performed last year, Why Cap and Trade should Fund Affordable Homes near Transit, by California Housing Partnership and Transform found:

- Transportation-related greenhouse gas emissions accounted for 30 percent of California's total. Because transportation needs were largely driven by where people could afford to live, housing affordability affected the sector's emissions.
- From the City of San Jose's Diridon Site Plan EIR: "The location of affordable housing in transit-rich locations is especially important further reducing pollution and traffic congestions."

He encouraged more discussion and thought to this connection and perhaps make revisions to the EIR that reflected that consideration.

Commissioner Leung asked the following:

- Was he aware of any other Bay Area that high impacts had occurred on affordable housing because of increased housing prices?
Mr. Samara stated that most jurisdictions had experienced incredible pressures around housing prices. A Planning Commission meeting in the City of San Mateo had a discussion almost exactly like the discussion held at last week's meeting. It was a region-wide problem and required a region-wide response
- What about Transit Oriented Development areas?
Across the country, as well as in the Bay Area, this kind Transit Oriented Development tended to drive up housing prices and mitigation needed to take place to avoid high housing costs and displacement.
- Had an increase to 20 percent of new development for affordable housing affected other Bay Area cities?
A number of cities throughout the country had implemented various mitigation measures having to do with housing, such as, inclusionary. Generally, each region had different needs, so had a different bundle of programs or policies. The City of San Mateo had put out a Best Practices document and he offered to forward it to any interested person. It documented different approaches that cities around the Bay Area and across the country had taken.

Chairperson Pentaleri stated that he was on the verge of accepting that deeper levels of affordability needed to be done across the whole City and, perhaps, it might not be so appropriate here in Warm Springs. What was the counter argument, such as specifically in Warm Springs?

Mr. Samara stated that he had attended last Thursday's meeting and he believed that the answer was not either/or. Of course, there was need across the City, also regional wide. At the same time, this particular site offered an opportunity to make an

intervention that could be part of a broader City-wide approach. Four different suggestions had been outlined in the February letter:

- 4,000 units should be the goal, rather than somewhere between 2,500 to 4,000.
- Increase density from between 50 to 120 units per acre, which was higher than in the EIR.
- Minimum of 20 percent towards affordable housing. Of course, higher would be better.

Chairperson Pentaleri closed the Public Hearing.

Staff responded, as follows:

Director Schwob:

- The correction would be made regarding California Department of Education rather than State.
- This area could accommodate preschools. The desire to build a school had to come with a landowner's willingness to sell a piece of property. Staff would continue to assist people by matching them with sites that had become available.
- Water was an emerging and real issue. As of today, the new California Green Building Code had gone into effect with more stringent conservation and sustainability measures. His staff had been instructed to encourage developers to focus on water conservation, in particular, because of the current situation. The Plan actually had a section on using recycled water, low-flow fixtures, grey water/rain water, etc.
- The opportunity to enhance bio-resources was an interesting concept. Where those opportunities presented themselves, they could be taken advantage of through the Master Planning process. However, setting aside 25 acres of grazing land in a TOD area probably would not happen.
- Regarding 50 to 120 units per acre, two zones would be available. Within the quarter mile, the minimum would be 50 units per acre with no cap. However, more density was not necessarily cheaper to build, so that may not happen. The Master Plan process would allow for sites to be set aside for higher intensity development in the future. In other areas, the minimum was 30 units per acre, again, with no cap. The only cap that existed was the environmental clearance cap of 4,000 units in the Plan Area. If that was achieved within 10 years, a subsequent environmental document could be done to see if more housing is appropriate at that time.
- A Nexus study was being done, a City-wide program was available, and evaluation of the best approach would be done, which might be different in TODs than in non-TODs.
- A local hire policy was not an ordinance and staff believed that an ordinance would be constitutionally inappropriate. Tremendous opportunities existed within vacant buildings when it came to a job placement center and training center. Perhaps businesses that provided space could have first choice of the graduates

from the training program. Perhaps they could actually help tailor a training program. The Plan would allow it to occur, but it would not force it to occur. Before training could happen a source of funding must be found.

- The Commercial Linkage Fee was another potential funding source and had been considered in the past. It had not been recommended, because it had a significant impact in bringing business to the community and it raised the cost of development to a point where they might choose to go elsewhere. It could be looked at again. He suspected that a whole lot more could be charged than what people do charge when they adopt these fees, so there might be a way to phase in some incremental amount over time and see what the impacts were and whether it worked.

Grant Gruber, FirstCarbon Solutions Consultant:

- Full build-out of the Warm Springs/South Fremont Community Plan would entail 4,000 dwelling units and about 10 million square feet of nonresidential uses.
- Recurring theme of the Community Plan was flexibility, so no percentages of affordable housing were specified in the EIR, as well as businesses, types of end users for commercial, R&D or industrial.
- A Master Planning process would occur and individual property owners would submit development applications and be required to demonstrate compliance with the City's Affordable Housing Ordinance. Therefore, these conversations about affordable housing were premature.
- Several reasons existed as to why revising the EIR to require affordable housing to provide mitigation for traffic would be problematic from a CEQA standpoint.
- The CEQA guidelines required a nexus between an impact and a mitigation measure. For example, adding turn lanes at an intersection operating at unacceptable Levels of Service could be demonstrated as achieving acceptable Levels of Service.
- With affordable housing, the effects were secondary and tertiary, along with relying on assumptions, such as "Will those folks actually drive less? Will they not drive during peak hours or drive shorter trips?" Assumptions that could not be substantiated. He had never read an EIR that required affordable housing as a mitigation measure.

Matt Haynes, Fehr and Peers Consultant:

- Trip generation estimates were developed by using a model that his company had developed that related to factors that affect vehicle and other types of trip-making in mixed-use and transit oriented areas.
- Those factors were commonly described as Ds factors: density, diversity of land uses, distance to transit and demographics.
- The model used to estimate trips within the Warm Springs Area included an estimate of auto ownership and were based upon other similar types of TODs.

- There was evidence to suggest that living in an area in close proximity of transit did mean that people living and working there may not need to drive as much. These factors were included in the trip generation estimates in the EIR.

Commissioner Bonaccorsi's questions and comments were:

- Area 9 wanted to have approval of a Master Plan before the end of the year, so they would not be subject to the 20 percent requirement. If the Nexus Study were approved in 2015, would that operate retroactively for any projects that were considered in 2015 or would it only operate prospectively?

***Planning Manager Wheeler** said that the Nexus Study had been drafted and was under review at this time by staff. They expected to have public outreach sometime this summer and any changes to the City's Affordable Housing Ordinance would occur before the end of the year. So the projects within the Community Plan would be subject to the new requirements, if any, as a result of the Nexus Study.*

- Would it be appropriate to look at Commercial Linkage Fees in connection with the Nexus Study?

***Director Schwob** stated that it would not be within the scope of the work that had been commissioned, to date. Commercial Linkage Fees had been considered a many years ago and those results could be shared today. He expected that they would not be wildly different from what would be seen today. It had been the City's commercial economic policy not to "burden that engine of the City." Non-residential areas, in particular commercial areas, generated 30 percent of the sales tax revenue, which provided for maintenance and police and fire services.*

- Warm Springs would be such an attractive location and an innovation center that if you build it, they will come. This would be an opportunity for revisiting those assumptions. It was different when the economy was down and the City was trying to activate areas east of I-880.
- Many of the public comments addressed concerns in the Community Plan that were not really comments that were directed to mitigations. It would be helpful, going forward, to note frequently asked questions that comments were not directed to the EIR.
- The discussion about the relationship between affordable housing and traffic impacts had included comments from UniteHere!, who was not in attendance this evening. They had made a different argument regarding affordable housing. On page 138 in the packet, they questioned the assumption that jobs would be filled from Alameda County. Their argument was that people would be coming into the area from outside of this region, which was also his opinion. He asked for staff's response.

***Consultant Gruber** stated that when reading their whole letter in context, their principal concern seemed to be the hotel and convention center. The project description had been revised and specific mention of that had been eliminated. Their recurrent theme was flexibility. They were focusing on a conceptual use and it was used as the basis for many of their comments. A question in the CEQA checklist was, "Would a project induce substantial growth, either directly or*

indirectly?” One of the statements he had made was that this was a Less Than Significant Impact. Yes, this plan would promote a lot of jobs over a 20+ year period. With this area having the second largest population in the State, it seemed that enough individuals would be available to fill those types of jobs, so there would be no influx of folks into the region. Their complaint was that another higher level had not been reached that demonstrated matching jobs and skill sets. Again, it was not known what the businesses would be, what their hiring requirements would be or what the unemployed persons’ skills levels would be. Labor was available and employed people could decide to change jobs, which would provide another source of how employment positions could be filled. The statement should not be interpreted to mean that it was a high level evaluation that answered the question of indirect growth would be induced into the region.

- He agreed that, under CEAQ, third parties could not be relied to reduce impacts, such as, one could not rely on CalTrans to provide the freeway access that was needed to reduce Significant Impacts to Less Than Significant Impacts. He hoped that the City would work actively with CalTrans over the next twenty years to look at expanding the City’s freeway accessibility so that it was not an impediment to creating jobs.
- Proposal for both the Warm Springs Innovation District Art Program and the Downtown Plan. There would multi-tiered approaches, depending upon the square footage of development and whether a payment was made into a fund. If the gross floor area was over 100,000 square feet, the owner had the option of at least of its 50 percent of his contribution to be in the form of public art. The Director of Development, or whomever, had the discretion to defer that if there were problems with materials or whatever. But enforcement mechanisms, which said, “Maintenance of Onsite Artwork Enforcement – that any time the Community Development Director has determined that the art work has not been maintained in substantial conformance to the manner of which it was originally approved, he or she shall require the current property owner to either repair or maintain the artwork or pay the art fee.” What it did not include was the possibility that the owner at the onset was very enthusiastic about having a piece of sculpture but had never had it installed. His suggestion was this change: “Installation or Maintenance of Onsite Art Work Enforcement, subdivision 2, At any time the Community Development Director has determined that the artwork has not been installed, or maintained in substantial conformance to the manner it was originally approved, he or she shall require the current property owner to either A) Install, repair or maintain the artwork or pay the District fee.” If this was a good idea, he would like to propose that as part of his motion. It would provide a lever of not issuing the building permits or not giving them a Certificate of Occupancy, which provide enforcement on the front end rather than on the back end.

Chairperson Pentaleri’ questions and comments were:

- A lot of the comment under the EIR was directed to the Community Plan. He agreed that it was correct to not response to comments in the context of the EIR

and he wanted to follow up on some of those questions. He was impressed with the caliber of so many of the questions and the responses that were provided.

- Regarding comment BART 4 and the topic of Floor Area Ratios (FARs), in which the land use mix and land use standards listed FARs between 0.35 and 1.5 for office and convention uses were too low and not representative of suburban center Transit Oriented Development. BART had suggested it should be at least 4.0. The graphic on page 306 of the Agenda packet showed the hypothetical evolution of the build-out and showed the build-out at 2.5 FAR and 1.5.
- Page 429 of the Agenda packet showed Table 2-3 that was confusing, because it referred to maximum Floor Area Ratios of 3.0 in City Center and maximums that appeared several times in the table. What was staff's response?

Director Schwob suggested that he was referring to how staff proposed to reconcile the General Plan text. Minimum FARs for the Innovation Center were in Table 2.3. Minimums were also required in the Plan and Zoning so nothing would preclude the higher FARs. For modeling purposes, the assumption was made for certain FARs for certain types of land uses translated into a certain number of employees per 1,000 square feet. For the uses that BART had mentioned, in particular, those would have different kinds of demands with bigger events with a lot of people coming and going. BART's thoughts were that, at this time, extra parking would be available for other uses, since this had been originally built to be an end-of-the-line station, which, ultimately, will not be that.

- He could see that it was showing maximums that would apply in other areas.
- In a similar vein, some of the questions were interesting and relevant in the context of the Community Plan and response was that it was not a question related to the EIR.
- That response was made to a criticism that the employment density was inconsistent with a Transit Oriented Site and it was suggested that the target density should be at least 100 per acre.

Director Schwob replied, "We'll all hope for that."

- Staff had indulged him several times with discussions about affordable housing. He had articulated his concerns in various venues and, at this point, he had reached the conclusion that this issue was not the appropriate place to address his concerns and that they should be addressed in the broader context, such as the Housing Element later this year and when Master Planning occurred, along with site specific projects and things of that nature.

Commissioner Leung asked if mitigations would help improve the LOS of Intersections 4, 8, 19 and 20.

Consultant Gruber brought her attention to Table 3.11-12, page 4-25 of the EIR that showed the recommended mitigation measures. A check mark on the table meant that those impacts could be mitigated to Less Than Significant.

Commissioner Karipineni stated that this development would become a model for so many opportunities, i.e., a model for green technology, a model for work-life balance, a great transportation orientation development. Because this would be a

great opportunity, were there incentives that could be offered to help to raise the bar and, if so, are those incentives, like affordable housing, to be considered in the broader context of Fremont or just Warm Springs, specifically?

Director Schwob said that the City could choose from a complicated set of incentives. It could choose to incentivize and try to make things happen. Affordable housing would be reviewed and the City may choose to retool the ordinance to achieve, perhaps, a higher percentage of affordable housing or deeper levels of affordable housing. Likewise, the City was in the process of updating the City-wide Impact Fee structure, which must be done to be consistent with the General Plan. A high level premise of the Impact Fee Program was that much of the infrastructure that was needed was in southern Fremont, but the Fees were being collected on a City-wide basis. For example, if an improvement was made at an intersection, as development occurred, the developer would get a credit and get an equal value rather than pay the fee. Many things were a part of what was needed, such as, a portion of the bridge to the west, improvements to Warm Springs Boulevard, which were underway now, partially by BART and part by the City, which would be a benefit to the developers in Warm Springs, particularly. The City made the decision of where the investments from the Impact Fees would be made.

A part of the Impact Fee structure was to incentivize the types of improvements and figure out a more equitable way of administering the Impact Fees. For example, currently for residential development there was a single-family fee and a multi-family fee. The traditional multi-family unit was sometimes more like a single-family unit as far as bedroom count and size. Staff needed to decide the right metric and encourage smaller units that would have a little less fee than larger units. The Affordable Housing Fee was already geared to a square footage basis, but the other fees were based on broad unit categories.

What would benefit the TOD development areas the best was that they would get a lower traffic fee, in general.

The City could also choose to make investments of General Fund dollars, which had been done Downtown with a 50 percent fee reduction. The City also had a 25 percent LEED Platinum reduction in Impact Fees, a sustainability benefit. The Delta Building, located just outside this plan area, was the first building that was trying to achieve that high level of sustainability. If they achieve it, they would be credited back 25 percent of their Impact Fees.

Commissioner Karipineni noted that one speaker had talked about using reclaimed water for irrigation, living roofs, etc. How could those things be incentivize? She understood that everyone would be held to the Title 24 standard. A model should go above and beyond and was more visionary. Could incentives be created that would encourage things like solar readiness and still maintain a level of flexibility?

Director Schwob agreed. Until today, the City had a tier “above and beyond” the basic building code. However, that tier is now required of everyone. It could be notched up, but the City was waiting for modeling tools that the State was in the process of creating. To require more was an option; a lowered Impact Fee was also an option; and good old arm twisting was also being done, which staff did when developers asked, “Okay, what’s it going to take to get approval?” Staff could respond with “You want a little bit of flexibility over here. Well, we would like to see how you respond in these areas.” The water conversation aspects were what staff was already pushing, because the City needed them. The recycled water plan, the purple pipe, was planned for the west side of the freeway by the Water District and it would not be near this area. It may work at Pacific Commons and Ardenwood.

Vice Chairperson Jones asked if incentives had been considered for housing or affordable housing to people who would be moving in and be a part of the workforce. Was that something that would come from a City program or the developers or the employers, themselves?

Director Schwob had heard that Tesla had an interest in providing workforce housing. “The Alternatives” were available under the Affordable Housing Ordinance. The developers could make proposals in lieu of paying a fee or in lieu of providing exactly what the Ordinance required. The flexibility was there and since the City was dealing with three major landowners with good chunks of land to work with, there was some synergies for some very creative solutions to come forward.

Chairperson Pentaleri asked if some of those types of things might come within the context of a transportation demand management plan on site specific.

Director Schwob stated that if the workforce was very close and not driving, obviously, that could be the transportation demand thing.

Commissioner Reed read from page 289, No. 8 of the packet, “An accessibility analysis for people with disabilities, and also senior citizens.” Was that done by staff on its own to put forth what was the vision or was it really based upon a project-by-project basis?

Director Schwob replied that the City did do a plan of all of the City facilities in the public areas and they tried to tackle as many of those projects as possible on an on-going basis. If they happened to be pedestrian-oriented or sidewalk-oriented, they were incorporated into sidewalk program, etc. Individual developments that were built from scratch needed to demonstrate they had all the proper accessibility. The City also had a Universal Design Ordinance that was implemented with State law, which required developers to offer up universal design features, but purchasers of the homes or businesses had to agree to pay for additional changes or retrofits.

Commissioner Reed asked about the 10 percent minimum for alternative energy. Could that be slightly raised? What about photo voltaics and solar lighting?

Director Schwob replied that on July 8th the Council may approve installation of three solar carport-type projects for which the City had State tax credits for two of the facilities, which provided good payback. The County had pulled all the cities that were interested in JPA together and they had received great bids on the work at a lower price. With the cost coming down, he expected to see more people taking advantage of those sources. Solar lighting would take off, at some point. The focus had been towards LED lighting.

Chairperson Pentaleri echoed District Superintendent Morris, that this was a really an exciting and awesome plan. It reflected the efforts of a first-rate team. This area would become a new center of economic vitality for Fremont and for the region. The implementation measures would go a long way towards seeing this vision realized. He had been there when the kick-off for the General Plan Update process had occurred in Central Park. This was a milestone, because it represented the culmination of the General Plan Update, in particular in the way that it was the cornerstone of Fremont evolving toward a more strategically urban and more environmentally sustainable city. He was very satisfied with the EIR that had full opportunity for the stakeholders and the members of the community to comment on the project.

Commissioner Leung applauded the leadership and the achievement of City staff, the consultants. She applauded the way staff had collaborated and worked with various agencies, stakeholders, landowners and developers to create such a sound community. All this would bring in the health problem of growth; traffic, pollution, housing, affordable housing issues. In the end she urged a balance and flexibility to resolve those health growth problems.

Commissioner Bonaccorsi agreed that the process had been wonderful, in terms of public outreach. However, it would have benefited by a review by the Sustainability Commission and their perspective regarding carrying out the charge of the Climate Action Plan Goals that were being set for 2020. The concepts of conservation of water resources and the hydrology elements, among an array of uses, could have been vetted in a way that might have made this something more than what the Building Code required as a minimum standard, although very high, per **Commissioner Karipineni**'s comments, above. He hoped that input would be added at some point going forward.

He had lived in this community all of his life and when he was growing up, this site had General Motors located on it, which was the major employer for this community, next to the School District. When GM left, the site segued into NUMMI, which was an intriguing partnership, although it did not have the same number of jobs. When NUMMI left, he had believed that it would be the death knell for this area and it would not be utilized. Then the miracle of Tesla came in and Union Pacific purchased some of that property. He complimented the Council leadership who went to Omaha, Nebraska, to meet with Union Pacific to acquire some of that property for development. Now the possibility of Lennar purchasing it was being considered.

That site would be a critical anchor, because it would be the site for the proposed school, which worked in collaboration with the developers, Valley Oak and Toll Brothers. The evolution of this area would be a fantastic issue for a graduate study or doctorate.

He inserted the following into his motion:

- Strengthen the Public Works Program by insuring that either the art was installed or the City collected the fees
- Direct staff to prepare, and the City Clerk to publish, a summary of the ordinance

Staff requests that the following corrections be included in the Staff Report and Conditions of Approval:

Zoning Ordinance Text Amendments

Staff requests that the following text be added to the proposed Chapter 18.49 of the Zoning Ordinance (Exhibit "H"). The additional language is taken from the Fremont Multi-family zoning standards and clarifies for developers of the Community Plan area that residential units may be distributed throughout the residential site, as long as the required number of units (per density calculations) has been met.

18.49.072 Density standards.

- (a) Purpose and intent:
The number of dwellings per unit of land, the density, is controlled so that housing can match the availability of public services and the support of commercial areas. The standards also allow the housing density to be matched with the carrying capacity of the land. In addition, the density standards are used as one type of control of overall building bulk. Finally, minimum density standards ensure that the service capacity is not wasted and that the city's housing goals are met.
- (b) Density calculations:
 - (1) When the density calculation for a parcel results in a fraction of one-half or greater, the density shall be rounded up to the next whole unit.
 - (2) When the density calculation results in a fraction less than one-half, the density shall be rounded down to the next whole unit.
 - (3) Minor deviations of no more than one dwelling above or below the permitted range may be allowed when rounding the density calculation.
 - (4) For purposes of density calculations and density bonus allowances, efficiency apartments or single room occupancy units¹ shall count as one-half a dwelling unit.
- (c) Density bonuses and density redistribution:

- (1) Density bonuses above the permitted density range of a district shall be allowed subject to the provisions Chapter 18.165, the general plan, and state law.
- (2) For projects that propose a density redistribution wherein the respective density of one or more of the housing product types is either above or below the permitted density range established by the WS/SF CP and WSI zoning for the development site; the planning commission shall review and make a recommendation and the city council shall be the final approval authority for the project as part of a Master Plan.

Exhibits to the Planning Commission Packet

Staff requests that the attached be added to the Planning Commission packet as Exhibit "I". The attached is a copy of the signed "Letter of Intent to Establish Quality Education Facilities for Future Students in the Warm Springs/South Fremont Community Plan Area", and it was left out of the packets inadvertently by staff.

IT WAS MOVED (BONACCORSI/KARIPINENI) AND CARRIED BY THE FOLLOWING VOTE (6-0-1-0) THE PLANNING COMMISSION – HOLD PUBLIC HEARING

RECOMMEND THAT THE CITY COUNCIL:

ADOPT A RESOLUTION CERTIFYING THE FINAL EIR (SCH NO. 2013032062) (EXHIBIT "A"), ADOPTING THE MITIGATION MONITORING PROGRAM (EXHIBIT "B") AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS (AS DESCRIBED IN THE STAFF REPORT) AND FIND THAT THE FINAL EIR HAS BEEN PREPARED IN COMPLIANCE WITH CEQA AND REFLECTS THE INDEPENDENT JUDGMENT AND ANALYSIS OF THE CITY;

AND

FIND THAT THE PROPOSED GENERAL PLAN LAND USE MAP AND TEXT AMENDMENTS (EXHIBITS "E" AND "F"), COMMUNITY PLAN (EXHIBITS "C" AND "D") AND ZONING ORDINANCE MAP AND TEXT AMENDMENTS (EXHIBITS "G" AND "H") ARE CONSISTENT WITH THE GENERAL PLAN, AND WHERE THE AMENDMENT IS TO THE TEXT OF THE GENERAL PLAN, IT IS CONSISTENT WITH THE OTHER POLICIES AND CHAPTERS OF THE GENERAL PLAN. THESE PROVISIONS INCLUDE GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE, MOBILITY, COMMUNITY CHARACTER, ECONOMIC DEVELOPMENT, COMMUNITY PLANS, PARKS AND RECREATION AND PUBLIC FACILITIES ELEMENTS, AS DESCRIBED IN THE STAFF REPORT;

AND

FIND THAT THE PROPOSED GENERAL PLAN LAND USE MAP AND TEXT AMENDMENTS (EXHIBITS "E" AND "F"), COMMUNITY PLAN

(EXHIBITS “C” AND “D”) AND ZONING ORDINANCE MAP AND TEXT AMENDMENTS (EXHIBITS “G” AND “H”) FURTHERS THE PUBLIC INTEREST, CONVENIENCE, AND GENERAL WELFARE OF THE CITY, BECAUSE THE CITY-INITIATED WARM SPRINGS/SOUTH FREMONT COMMUNITY PLAN WOULD IMPLEMENT THE GENERAL PLAN VISION FOR CREATING A UNIQUE, URBAN MIXED-USE DEVELOPMENT WITHIN THE APPROXIMATELY 879-ACRE AREA SURROUNDING THE FUTURE BART STATION. THE GOAL OF THE COMMUNITY PLAN IS TO CREATE AN EMPLOYMENT BASED URBAN CENTER AROUND THE BART STATION THAT ALLOWS A MIX OF USES AND SERVICES AND PUBLIC FACILITIES THAT WOULD BE SUSTAINABLE, VIBRANT, AND PEDESTRIAN-ORIENTED FOR THE EMPLOYEES, RESIDENTS AND VISITORS TO THE AREA;

AND

ADOPT A RESOLUTION APPROVING THE GENERAL PLAN LAND USE MAP AND TEXT AMENDMENTS (EXHIBITS “E” AND “F”);

AND

ADOPT A RESOLUTION APPROVING THE COMMUNITY PLAN (EXHIBITS “C” AND “D”);

AND

INTRODUCE AN ORDINANCE AMENDING THE ZONING ORDINANCE MAP AND TEXT (EXHIBITS “G” AND “H”); AND

AND

DIRECT STAFF TO PREPARE AND THE CITY CLERK TO PUBLISH A SUMMARY OF THE ORDINANCE.

The motion carried by the following vote:

AYES: 6 – Bonaccorsi, Jones, Karipineni, Leung, Pentaleri, Reed

NOES: 0

ABSTAIN: 0

ABSENT: 1 – Dorsey

RECUSE: 0

DISCUSSION ITEMS

MISCELLANEOUS ITEMS

Information from Commission and Staff:

Information from staff: Staff will report on matters of interest.

Planning Manager Wheeler announced that the next Planning Commission meeting would be held next Thursday, July 10th. The July 24th meeting was tentatively cancelled with one meeting in August.

- Report on actions of City Council Regular Meeting

None

- Information from Commission: Commission members may report on matters of interest.

None

Meeting adjourned at 9:50 p.m.

SUBMITTED BY:



Alice Malotte
Recording Clerk

APPROVED BY:



Kristie Wheeler, Secretary
Planning Commission